

## UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

ISHMAEL R. GONZALEZ

Case No.

18-907-M

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of MARCH 11, 2018 in the county of PHILADELPHIA in the  
EASTERN District of PENNSYLVANIA, the defendant(s) violated:

Code Section

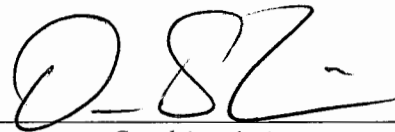
18 USC 2252(a)(2),(b)(1)

Offense Description

Attempted distribution of child pornography on March 11, 2018

This criminal complaint is based on these facts:

See attached affidavit, which also incorporates Attachment A.

☒ Continued on the attached sheet.


Complainant's signature

DARON SCHREIER, FBI SPECIAL AGENT

Printed name and title

Sworn to before me and signed in my presence.

Date:

6/6/18



Judge's signature

City and state:

PHILADELPHIA, PENNSYLVANIA

Thomas J. Rueter, U.S. MAGISTRATE JUDGE

Printed name and title

**AFFIDAVIT IN SUPPORT OF ARREST WARRANT FOR ISHMAEL R. GONZALEZ**

I, Daron Schreier, a Special Agent (SA) with the Federal Bureau of Investigation (FBI), Philadelphia Division, being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent of the FBI for 12 years, and am currently assigned to the Philadelphia Division's Violent Crimes Against Children Squad. While employed by the FBI, I have investigated federal criminal violations related to counterterrorism, counterintelligence, cybercrime, child pornography and child sexual exploitation. I have gained experience through training at the FBI Academy, training at FBIHQ, various conferences, and everyday work related to conducting these types of investigations.

2. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

3. The statements in this Affidavit are based in part on my investigation of this matter and on information provided by other law enforcement officers. Because this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that ISHMAEL R. GONZALEZ (date of birth September 29, 1989) committed a violation of Title 18 U.S.C. Section 2252(a)(2)(Attempted Distribution of Child Pornography).

**LEGAL AUTHORITY**

4. Title 18 U.S.C. § 2252(a)(2), (b)(1) makes it a crime to knowingly receive or distribute, or attempt or conspire to receive or distribute, any visual depiction, using any means or facility of interstate or foreign commerce or which has been mailed, or that has been shipped or transported in or affecting interstate or foreign commerce, or which contains materials which have been so shipped or transported, by any means including by computer, a visual depiction of a minor engaged in sexually explicit conduct, produced using a minor engaged in such conduct.

**INVESTIGATIVE RESULTS**

5. On April 4, 2018, the mother of an 11-year old female (hereafter "MINOR #1), both of whose identities are known to your Affiant but are omitted to protect the identity of the minor victim, reported to the Philadelphia Police Department how the mother found an image

in a deleted folder on MINOR #1's phone depicting MINOR #1 in panties with her breasts exposed. When the mother confronted MINOR #1, MINOR #1 disclosed that she was sending the image to ISHMAEL R. GONZALEZ ( [REDACTED] ). MINOR #1 also told her that GONZALEZ has been touching MINOR #1 since 2015, to include her breasts, between her legs, and her butt. MINOR #1's phone was identified as a gray iPhone 6s.

6. On April 4, 2018, MINOR #1 was interviewed at the Philadelphia Children's Alliance by a Child/Adolescent Forensic Interviewer. MINOR #1 reported the following:

a. ISHMAEL GONZALEZ ( [REDACTED] ) has been sexually molesting her for several years to include touching her naked vagina and an incident when she was 9 years old and GONZALEZ had MINOR #1 perform oral sex on him.

b. MINOR #1 started taking naked pictures for GONZALEZ when she was 8 years old (which was in 2015), and this has included naked pictures of her vagina. Prior to having her own iPhone, MINOR #1 took naked pictures for GONZALEZ on GONZALEZ's cellphone.

c. GONZALEZ told MINOR #1 that he posted the naked pictures of MINOR #1 on Instagram in accounts under her name, and MINOR #1 believed that GONZALEZ was getting paid by others to post the pictures.

d. As a reward for taking pictures, GONZALEZ promised to put the money he earned towards a cellphone for MINOR #1. In the spring of 2018, GONZALEZ purchased MINOR #1 an iPhone.

e. The photograph found by her mother on MINOR #1's phone on April 3, 2018, was a photograph she had recently taken of herself for the purpose of sending it to GONZALEZ. The photograph was of MINOR #1 with her breasts exposed.

7. On April 4, 2018, Philadelphia Police arrested GONZALEZ for Rape, in violation of 18 Pa. C.S.A. § 3121, and other offenses relating to the sexual abuse and exploitation of MINOR #1. After being advised of his constitutional rights, GONZALEZ waived his rights. GONZALEZ admitted to his sexual abuse of MINOR #1, to include the following:

a. GONZALEZ admitted to kissing and rubbing MINOR #1's breasts and neck. He denied penetrating her vagina with his finger, but admitted to touching her in that area. In the spring or summer of 2017, GONZALEZ asked MINOR #1 to put his penis in her mouth. MINOR #1 did not want to do it, but GONZALEZ kept asking until she finally did it.

b. GONZALEZ admitted to taking naked pictures of MINOR #1 on 5 to 6 occasions which included naked images of her vagina, breasts, and butt.

c. It has been awhile since GONZALEZ took pictures himself, but it was common practice for MINOR #1 to take naked pictures and send them to GONZALEZ. After MINOR #1 took a picture, she would show it to GONZALEZ and then he would electronically send the picture to himself.

d. GONZALEZ posted the naked images of MINOR #1 to Instagram, stating he did so for the excitement and that "my wife wasn't doing it, so I took advantage of [Minor #1]." GONZALEZ advised that he posted these images to multiple Instagram accounts because the accounts he used kept getting shut down.

e. GONZALEZ further confessed that he used his current cellphone, a black Samsung S7, and two previous cellphones to upload the naked pictures to Instagram.

9. Pursuant to Search and Seizure Warrant 18-760-M, issued in the Eastern District of Pennsylvania, your affiant reviewed the contents of the black Samsung Galaxy S7 edge, IMEI: 357219070509315, which was seized from GONZALEZ upon his arrest on April 4, 2018 by Philadelphia Police. Your affiant found evidence of multiple Instagram accounts on the phone, including a screenshot of the Instagram application with a message stating: "You've been logged out of 'real\_ms.freak\_jess.j.sparx'".<sup>1</sup>

10. Pursuant to Search and Seizure Warrant 18-838-M, issued in the Eastern District of Pennsylvania, your affiant receive account records of Instagram account "real\_ms.freak\_jess.j.sparx" from Facebook, Inc. Upon review of these account records, your affiant located the following:

a. The records show that image file (Instagram record 340282366841710300949128200985060303142\_28053609859585328356320732138962944.jpg.) which depicts an extreme close-up of a vagina, with a black piece of material next to it, and two fingers touching the area around the vagina.

b. The above image file was found in direct messages in Instagram account for username real\_ms.freak\_jess.j.sparx with email address msfreakjerseysj@outlook.com.

c. The account records show that the above image was distributed on 03/11/2018 to another Instagram user.<sup>2</sup>

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<sup>1</sup> This account is not in the name of MINOR #1.

<sup>2</sup> The identity of this Instagram account recipient is known to your affiant but will not be disclosed here due to the ongoing child exploitation investigation.

d. On June 1, 2018, MINOR #1 positively identified herself in the above image. MINOR #1 identified her fingers in the photograph and the black material as being lingerie that she was instructed to wear by GONZALEZ.

**CONCLUSION**

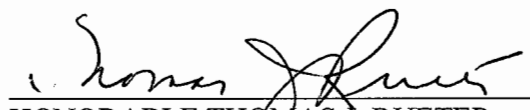
11. Based upon the information above, I respectfully submit there is probable cause to believe that ISHMAEL R. GONZALEZ (date of birth September 29, 1989) did commit a violation of Title 18 U.S.C. § 2252(a)(2) (Attempted Distribution of child pornography) on or about March 11, 2018, as described in Attachment A.

17. Therefore I respectfully request that the attached warrant be issued authorized the arrest of ISHMAEL R. GONZALEZ.



DARON SCHREIER  
Special Agent, Federal Bureau of Investigation

SWORN TO AND SUBSCRIBED  
BEFORE ME THIS 6<sup>TH</sup> DAY OF JUNE, 2018

  
HONORABLE THOMAS J. RUETER  
United States Magistrate Judge

**ATTACHMENT A**

**Count One: Attempted Distribution of Child Pornography, 18 U.S.C. Section 2252(a)(2), (b)(1)**

On or about March 11, 2018, in the Eastern District of Pennsylvania, defendant ISHMAEL R. GONZALEZ, did knowingly attempt to distribute a visual depiction, using any means and facility of interstate and foreign commerce, including the Internet, and the visual depiction showed a minor engaged in sexually explicit conduct, and the producing of the visual depiction involved the use of a minor engaging in sexually explicit conduct.